



NOTICE OF DECISION
Application for Approval of Draft Plan of Subdivision
Under Subsection 51(37) of the Planning Act

Approval Authority: County of Wellington

File Number: 23T-20203 - John Welton Custom Homebuilding Ltd.

IN THE MATTER OF AN APPLICATION for Draft Plan of Subdivision being Township of Wellington North Part Park Lots 10, 11 & 12 South of Princess Street, Plan Town of Mount Forest & Part of Park Lots I, K & L MacDonald's Survey & Part of Division 1 of Lot 2 Concession WOSR; Mount Forest in the County of Wellington

TAKE NOTICE that the Corporation of the County of Wellington gave approval for an application for draft plan of subdivision Wellington County File No. 23T-20203 on the under Section 51(31) of the Planning Act, R.S.O. 1990, c.P.13, as amended in respect of Township of Wellington North Part Park Lots 10, 11 & 12 South of Princess Street, Plan Town of Mount Forest & Part of Park Lots I, K & L MacDonald's Survey & Part of Division 1 of Lot 2 Concession WOSR; Mount Forest in the County of Wellington subject to conditions of approval.

PUBLIC INPUT: There were written submissions received and considered by the County of Wellington. No oral submissions were made at the Public Meeting in support or opposition to the proposed draft plan of subdivision.

RELATED APPLICATIONS – Township of Wellington North By-law 021-23 in effect March 20, 2023

AND TAKE NOTICE that under Section 51(39) of the Planning Act a specified person or public body may appeal the decision to approve or refuse the draft plan of subdivision, the lapsing provision (if applicable) or any of the conditions of the approval of the draft plan of subdivision (is applicable) to the Ontario Land Tribunal, by filing with the Director of Planning and Development for the County of Wellington, not later than **MAY 3, 2023 at 4:00 p.m.** a written notice of appeal setting out the reasons for appeal, accompanied by a certified cheque or money order the applicable fee of \$1100.00, made payable to the Minister of Finance of Ontario.

AND THAT the applicant or any public body may, at any time before the approval of the final plan of subdivision, under Section 51(58) of the Planning Act, appeal any of the conditions imposed by the Corporation of the County of Wellington by filing with the Director of Planning and Development a written notice of appeal that must set out the reasons in support of the appeal, accompanied by a certified cheque or money order the applicable fee of \$1100.00, made payable to the Minister of Finance of Ontario.

PLANNING ACT REGULATIONS (O.Reg 544/06, as amended)

Section 9(4)

- i. You will be entitled to receive notice of any changes to the conditions of approval of the draft plan of subdivision if you have either made a written request to be notified of the decision to approve or refuse to approve the draft plan of subdivision, or made a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.
- ii. No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions or, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

Section 9(5)

- i. Only individuals, corporations or public bodies may appeal decisions in respect to a proposed plan of subdivision to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association

or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

- ii. No person or public body shall be added as a part of the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council, or made a written request to be notified of changes to the conditions or, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

A copy of the draft plan, decision, including the conditions, is attached. Additional information regarding the proposed plan of subdivision is available to the public for inspection in the Planning and Development Department of the County of Wellington, as well as at the Municipal Offices for the Township of Wellington North.
during regular business hours.

DATED at the City of Guelph, County of Wellington Administration Centre, this April 13, 2023



Aldo L. Salls, MCIP, RPP
Director of Planning and Development

THE CORPORATION OF THE COUNTY OF WELLINGTON
DECISION OF THE CORPORATION OF THE COUNTY OF WELLINGTON

With respect to an application by John Welton Custom Homebuilding Ltd. pursuant to the provisions of Section 51 of the Planning Act, R.S.O. 1990 as amended for approval of a plan of subdivision, being Part Park Lots 10, 11 & 12 South of Princess Street, Plan Town of Mount Forest & Part of Park Lots I, K & L MacDonald's Survey & Part of Division 1 of Lot 2 Concession WOSR, Mount Forest, now Township of Wellington North in the County of Wellington. The Corporation of the County of Wellington has granted draft approval to this draft plan of subdivision subject to the following conditions of draft approval:

**CONDITIONS OF APPROVAL FOR
DRAFT PLAN OF SUBDIVISION 23T-20203**

No. Condition

- 1 THAT this draft approval applies to the draft plan of subdivision, County of Wellington File No. 23T-20203 Project drawing No. 00702-DP1, last revised on April 5, 2023 by Cobide Engineering Inc., Luke Wilcox, OLS, and showing: 63 single detached residential lots; 30 semi-detached residential lots; 36 townhouse residential lots; Multi-Family residential Block 130 (12 units); Open Space Block 131; Walkway Block 132; Streets A-E; 1 ft Reserve and Daylight Blocks 133-137; total land area being 9.776 ha.
- 2 THAT the plan proposed for registration for any phase within the subdivision shall be reviewed and accepted by the Township of Wellington North prior to the County of Wellington's granting final approval of such plan or phases.
- 3 THAT the street(s) shown and any reserves in this draft plan shall be dedicated to the Township of Wellington North. They shall be named to the satisfaction of the Township of Wellington and where those streets are not extensions of existing streets that such new street names shall not be duplicates in spelling or phonetic sounding of street names elsewhere in the County of Wellington.
- 4 THAT such easements, conveyances, and/or agreements as may be required for servicing, access, utility or drainage purposes shall be granted to the appropriate authority.
- 5 THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised by the Township of Wellington North that appropriate zoning is in effect for this proposed subdivision.
- 6 THAT the Owner enter into a subdivision agreement with the Township of Wellington North for the purposes of satisfying all the requirements of the Township, financial and otherwise including but not limited to the provision of roads, signage and the installation of municipal services, the planting and preservation of trees, and stormwater management and drainage. The agreement shall be registered against the lands to which it applies; and that a copy of the subdivision agreement as registered be filed with the County. Without limiting the generality of the foregoing, the agreement shall contain wording to the satisfaction of the Township that addresses the following matters:
 - a) Contain phasing arrangements acceptable to the Township of Wellington North.
 - b) Contain provisions whereby the Owner shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the Township and include provisions that all damage or maintenance required to surrounding streets as a result of such traffic shall be at the Owner's cost.
 - c) Provide for the installation of a piped water supply system and a piped waste water collection system, subject to the approval of the Ministry of the Environment,

- Conservation and Parks, and furthermore, shall provide for the Township of Wellington North to assume ownership and operation of the system.
- d) Contain wording to the effect that all agreements of purchase and sale shall contain wording advising that all persons who make first purchases of land within the plan of subdivision after final approval of the subdivision plan, are informed when land is transferred, of all the development charges related to this development.
 - e) Contain wording to the effect that all agreements of purchase and sale shall include wording advising purchasers that the lands adjacent to the subdivision are being utilized for normal agricultural operations that may result in noise, dust, odour and other potential nuisances associated with agricultural uses. These normal farm practices may occasionally affect the living environment of residents in close proximity to agricultural operations.
 - f) Contain wording to the effect that all agreements of purchase and sale shall include wording advising purchasers that the lands adjacent to the subdivision are being utilized for Township recreational operations (identifying current conditions and future expansion of operations) that may result in noise, light, dust and other potential nuisances associated with recreational operation uses. These recreational operations may occasionally affect the living environment of residents in close proximity to the Township recreational area.
 - g) Contain wording to the effect that all agreements of purchase and sale shall include wording advising purchasers that Environmental Warnings/Restrictions will be registered on title pertaining to adjacent land uses (i.e. WWTP and its driveway; closed landfill site) and operations (identifying current conditions and future expansion operations), and associated potential occurrences of odours, noise, traffic, etc. These operations may occasionally affect the living environment of residents in closer proximity to the Township WWTP and closed landfill site.
 - h) Contain provisions whereby the Owner shall implement recommendations of the final Environmental Impact Statement, and addendums prepared by AWS Environmental Consulting Inc. to the satisfaction of the Township of Wellington North.
 - i) Contain provisions whereby the Owner shall implement the recommendations of the final Tree Preservation Plan and Environmental Implementation Plan (EIP) including the posting of securities to the satisfaction of the Township of Wellington North.
 - j) Contain provisions whereby the Owner shall implement a buffer plan for the rear of lots 33 to 45 which shall include privacy fencing on the rear lot line and tree plantings on the adjacent lands to the satisfaction of Township of Wellington North.
 - k) Contain provisions to address the provision of adequate sidewalks, lighting and snow removal and which are satisfactory to the Upper Grand District School Board and to the Township of Wellington North in respect of the means whereby the children can walk safely to school or to school bus "student collection areas".
 - l) Provide for the completion of a Noise Impact Study by the Owner addressing any impacts from the adjacent municipal wastewater facility and Sports Complex (future pool, arena, ball diamond, soccer fields and playground) and the implementation of any recommendations of the final approved noise study to the satisfaction of the Township of Wellington North.
 - m) Provide for the preparation of an updated and final Traffic Impact Study by the Owner that includes evaluating external student/pedestrian traffic and crossings and the implementation of the recommendations of the study through the detailed design process and to the satisfaction of the Township of Wellington North.
 - n) Contain provisions that the Owner shall design, secure, construct and obtain necessary approvals for a sewage pumping station to serve the development on Township owned lands south of the subdivision to the satisfaction of the Township of Wellington North.
 - o) Provide for the submission, to the satisfaction and approval of the Township of Wellington North, of design drawings and supporting information to address the requirements of the proposed development including roads, boulevards, pedestrian access, municipal servicing, drainage/SWM, utilities, landscaping/tree preservation,

signage, external works required to support the development, and any other requirement of approval agencies.

- p) That prior to the initiation of any site grading or servicing and prior to final approval, the owner must submit updated and final detailed hydrogeological and geotechnical investigation reports for the site prepared by qualified Engineers to the satisfaction of the Township. The reports shall provide an assessment of proposed groundwater recharge mitigative measures on the identified seeps and on the lot buildings and structures. The reports shall provide an assessment of groundwater levels as well as establishing design high groundwater elevations on a lot by lot basis. The recommended high groundwater elevation for each lot is intended to ensure a minimum vertical separation from the underside of the proposed footing elevation to the seasonal high groundwater elevation at a given lot of 0.3m. Proposed lot grading plans for the development shall provide the minimum recommended separation on all lots. The geotechnical report shall establish the structural fill requirements on a lot by lot basis which shall be incorporated on detailed lot grading plans. The geotechnical report shall assess the proposed sewage pumping station site.

- 7 THAT prior to final approval and registration of any phase of the plan, the Township of Wellington North shall confirm to the satisfaction of the County of Wellington that an adequate water supply and sewage capacity is available and has been allocated for the applicable plan or phase.
- 8 THAT the owner shall make satisfactory arrangements with the appropriate provider of telephone, natural gas, cable television and other utilities for the provision of such services to this plan of subdivision to the satisfaction of the Township of Wellington North.
- 9 THAT Block(s) 131 (Open Space), 132 (Walkway), 133 (Daylight Triangle), and 134 - 137 (0.3 m Reserves) on the draft plan of subdivision shall be conveyed to the Township of Wellington North free and clear of encumbrances.
- 10 THAT a Holding (H) Provision shall be put in place on lands, or part thereof, to the satisfaction of the Township of Wellington North which will not permit the issuance of building permits until the following matters have been addressed to the satisfaction of Council:
- a) Municipal water and sewage servicing including sufficient reserve capacity is or will be made available to the land and which has been allocated by the Township for this development, or part thereof.
 - b) Stormwater management issues have been adequately addressed;
 - c) A detailed engineering design has been approved and the necessary development agreement(s) have been entered into with the Township.
 - d) A D-4 Compatibility Study has been completed to the satisfaction of the County of Wellington Solid Waste Services Division related to the adjacent landfill site.
- 11 THAT the Owner provide trail connections from Block 132 to the existing Saugeen Trail path to the northwest of the development and across Open Space Block 131 and along Martin St. to the Saugeen Trail on the adjacent property. The trail connections shall be included in the subdivision engineering drawings and secured in the subdivision agreement to the satisfaction of the Township of Wellington North.
- 12 THAT the Owner provide buffering in the form of a minimum 1.8m high privacy fencing along the rear of Lots 33 to 45 and tree plantings on the adjacent lands between the rear of lots 33 to 45 and Martin St. (which serves as the driveway to the sewage treatment plant). The buffering plan shall be included in the subdivision engineering drawings and secured in the subdivision agreement to the satisfaction of the Township of Wellington North.
- 13 THAT the Owner provide a letter of understanding to the satisfaction of the Township of Wellington North confirming roles/responsibilities/cost sharing agreed upon for the completion of

the design and construction of Cork Street urbanization, improvements and sidewalk construction on east side of Cork Street including connections to Martin Street and Princess Street.

- 14 THAT the Owner shall prepare a Tree Preservation Plan (TPP) to the satisfaction of the Township of Wellington North. The TPP shall include a pre-construction tree inventory of all live native trees >10cm within areas that will be impacted by the proposed development, a hazard tree assessment, compensation plantings, and identify trees to be removed, as well as trees to be retained, in relation to the most current site/grading plans. Compensation plantings shall be provided within Open Space Block 131 to replace trees that require removal in order to facilitate the development. The implementation of the TPP shall be secured in the subdivision agreement.
- 15 THAT the Owner shall prepare an Environmental Implementation Plan (EIP) in order to address rear-yard usage of the residential lots that directly abuts the edge of the significant woodland, west of the subject property. Compensation and enhancement of natural features within the subject property, invasive species control measures, hazard tree identification and removals, proper tree protection and erosion control fencing, post construction monitoring efforts, and the distribution of environmental stewardship brochures to homeowners should be addressed within the EIP to best minimize both construction and future impacts to the adjacent significant woodland. The implementation of the EIP shall be secured in the subdivision agreement.
- 16 THAT the Owner commit to following through on the methane mitigation recommendations identified in the report prepared by Wilson Associates dated March 15, 2017 to the satisfaction of the County, or that the Owner submit an updated Guideline D-4 Study prepared by a qualified professional to the satisfaction of the County of Wellington Solid Waste Services Division which demonstrates why these measures are not warranted.
- 17 THAT the Saugeen Valley Conservation Authority (SVCA) must be satisfied a Floodplain Study and Lot grading and Drainage Plan shows all new development is located outside the Hurricane Hazel Flood Event floodplain.
- 18 THAT the Saugeen Valley Conservation Authority must be satisfied with the final Stormwater Management Plan and Engineering Drawings, Hydrogeologic Study, Geotechnical Study, Site Plan and Landscaping/Planting Plan.
- 19 THAT the Saugeen Valley Conservation Authority must be satisfied with wording in the Subdivision Agreement that provides for the implementation of the final Stormwater Management Plan and Engineering Drawings, Hydrogeologic Study, Geotechnical Study, Site Plan and Landscaping/Planting Plan.
- 20 THAT the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
- 21 THAT prior to final approval, the Owner/Developer shall provide written confirmation from an authorized service provider that communication/telecommunication facilities will be provided within the proposed development to enable, at a minimum, the delivery of communication/telecommunication services for emergency management services (i.e. 9-1-1 Emergency) in accordance with CRTC requirements.
- 22 THAT Upper Grand District School Board requests that the owner/developer comply with the following conditions:
 - That Education Development Charges shall be collected prior to the issuance of a

building permit(s).

- That the developer shall agree in the subdivision agreement that adequate sidewalks, lighting and snow removal (on sidewalks and walkways) will be provided to allow children to walk safely to school or to a designated bus pickup point.
- That the developer and the Upper Grand District School Board reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents about schools in the area.
- That the developer shall agree in the subdivision agreement to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease:

"In order to limit liability, public school buses operated by the Service de transport de Wellington-Dufferin Student Transportation Services (STWDSTS), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point."

23 THAT the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project in a form satisfactory to Enbridge.

24 THAT the owner/developer shall complete to the satisfaction of Canada Post the following:

- The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
- The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
- The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.
- The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.
- The owner/developer agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the Township of Wellington North.
- The owner/developer agrees to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.

- The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.

25 THAT the applicant is required to enter into a construction Agreement with Wellington North Power which includes provisions:

- That the applicant's electrical distribution system plans must meet Wellington North Power Standards for design and construction.
- That all electrical plans must be reviewed and approved by Wellington North Power.

26 THAT the Owner shall provide to the County of Wellington an AUTOCAD "dwg" digital file of the final plan to be registered.

27 THAT the Owner's surveyor provides to the County of Wellington a copy of the deposited Reference Plan submitted to the Land Registry/Titles Office for Wellington (No. 61) for "First Registration Under the Land Titles Act, R.S.O. 1990, c.L.5".

28 THAT the Owner's surveyor shall provide to the County of Wellington a written undertaking to provide to the County of Wellington a mylar, 2 white prints and electronic version of the final plan of subdivision as registered in the Land Titles Office for Wellington (No. 61) should such documents not be forwarded to the County of Wellington by the local Land Registrar's office after registration of the plan.

29 THAT if final approval is not given to this draft plan No. 23T-20203 within five years of draft approval and if no extensions have been granted pursuant to subsection 51(33) of the Planning Act, draft approval shall lapse under subsection 51(32) of the Planning Act, R.S.O. 1990. If an extension is being requested, a written explanation together with a resolution from the Township of Wellington North must be received by the Director of Planning for the County of Wellington prior to the lapsing date APRIL 14, 2028.

30 THAT the County of Wellington be advised in writing by the Township of Wellington North that conditions 2 to 15 have been satisfied.

31 THAT the County of Wellington be advised in writing by the County of Wellington Solid Waste Services that condition 16 has been satisfied.

32 THAT the County of Wellington be advised in writing by the Saugeen Valley Conservation Authority that conditions 17 - 19 have been satisfied.

33 THAT the County of Wellington be advised in writing by Bell (telecommunication provider) that condition 20 has been satisfied.

34 THAT the County of Wellington be advised in writing by Upper Grand District School Board that condition 22 has been satisfied.

35 THAT the County of Wellington be advised in writing by Enbridge that condition 23 has been satisfied.

36 THAT the County of Wellington be advised in writing by Canada Post that condition 24 has been satisfied.

37 THAT the County of Wellington be advised in writing by Wellington North Power that condition 25 has been satisfied.

- 38 THAT the Owner/Developer remit to the County of Wellington the applicable final approval fee when the final plan is being presented to the County of Wellington for the County's consideration for final plan approval.

NOTES to DRAFT APPROVAL

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Wellington, quoting the County plan of subdivision file number (23T-20203).

2. Clearances are required from the following agencies:

Township of Wellington North
County of Wellington Solid Waste Services
Saugeen Valley Conservation Authority
Bell/Telecommunication Provider
Enbridge Gas
Upper Grand District School Board
Canada Post
Wellington North Power

If the agency condition relates to a condition(s) in the subdivision agreement, a copy of the subdivision agreement should be sent to them. This will expedite the clearance of the final plan.

3. The costs of any relocations or revisions to Hydro facilities which are necessary to accommodate this subdivision will be borne by the developer.
4. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "DANGER - Overhead Electrical Wires" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
5. The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.
6. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that not such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.
7. If the Owner elects not to pay for the above noted connection, bell Canada may decide not to provide service to this development.
8. Measurements in final plans may be presented in metric or imperial units of measurement.

9. The final plan approved by the County of Wellington must be registered within 30 days of final approval or the County of Wellington may withdraw its approval under subsection 51(59) of the Planning Act, R.S.O. 1990 as amended.
10. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/ telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency).
11. Payment of clearance letter fees may be required from the clearing agencies before the clearance letter is issued. Please contact the appropriate agency for information in this matter.